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TAGS: [PHUM](#) [KDEM](#) [KWMN](#) [CB](#)  
SUBJECT: CAMBODIA HUMAN RIGHTS ROUNDTABLE: LAND ISSUES  
DOMINATE

REF: A. PHNOM PENH 310  
[1](#)B. PHNOM PENH 283

[1](#)1. (SBU) Summary: Prominent human rights organization leaders ranked land disputes, impunity, limits on freedom of assembly and the lack of rule of law among their top concerns, and predict the trends will continue through 2008. Land grabbers are using some new, fraudulent methods to claim land. Impunity and the use of the courts for political ends continued to be problematic. NGO representatives disagreed on whether a draft demonstration law was more expansive in protecting freedom of assembly. One NGO stated it is happy with the new anti-trafficking in persons law. CPP members allegedly have offered money to some Khmer Kampuchea Krom individuals to join the CPP and some Khmer Kampuchea Krom individuals have reportedly been denied national identity cards for not supporting the CPP. End Summary.

Land Dispute Activity Distressing, "Clever"

[1](#)2. (SBU) During a recent Embassy roundtable with six prominent Cambodian human rights leaders, participants said that land disputes continue to be a top concern. LICADHO Director Naly Pilorge stated her organization currently has forty-two of clients seeking assistance in relation to land disputes, including some who face eviction (clients from the Dey Krahorm community in Phnom Penh), two who are in prison, and 18 persons who face charges of incitement and physical assault. LICADHO has noticed more land dispute cases involving middle class communities. A recent eviction in the Russei Keo district of Phnom Penh was one such case involving middle class families, and families that had connections to members of the military -- factors which previously might have worked in favor of persons facing eviction. Pilorge stated that in the Russei Keo district case, community members who were arrested during the eviction were released soon afterwards, possibly because of their connections and middle-class resources. Pilorge stated she thinks it is a "mistake" for those with power to engage in land disputes with the middle class because of the potential for a loss of popular support.

[1](#)3. (SBU) CCHR Director Ou Virak said that land grabbers are currently using "clever methods" to claim land. He mentioned a Kampong Thom land dispute involving about 550 community members and approximately 5,000 hectares of land in which local authorities offered to solve the dispute for the community members by organizing for a social land concession. (Note: Under the 2001 Land Law and a March 2003 subdecree on social land concessions, such concessions are granted by the RGC for residential and family farming purposes at no cost to the beneficiary. End note.) The concession seemed like a good deal to the community members and they signed on. The documents they signed lacked detailed information and the

community members did not look into the stipulations of social land concessions before they signed. Ou Virak stated that it was not until after the paperwork was completed that the community members realized the subdecree on social land concessions allows for only about three hectares to be allocated per family. Some of the families had been on as many as 75 hectares prior to the social concession. After the three hectares were doled out to community families, there were approximately 3,000 hectares of land left over that were sold for a reported USD 2,500 per hectare in an economic land concession.

14. (SBU) According to Ou Virak another clever tactic has been employed in a recent Banteay Meanchey province case: local authorities used the names of high-ranking government officials such as Minister of Interior Sar Kheng and Cambodian National Police Commissioner Hok Lundy on local land titles in attempts to claim land. Several of the high-ranking officials whose names were used were reportedly approached by community members and rights groups during the disputes. Three of the officials denied any connection with the cases, stating they did not want their names on the titles. Ou Virak later provided an update on this case noting a positive turn. Prime Minister Hun Sen recently gave remarks stating that all of the land in this Banteay Meanchey case should be returned to the community members. Notably, the Prime Minister also stated that sometimes NGOs are right and he threatened to remove the provincial deputy governor who is alleged to be complicit in the case. There has not yet been implementation of Hun Sen's orders.

#### Education Can End Impunity

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15. (SBU) Theary Seng concurred with the 2007 Human Rights Report for Cambodia that impunity continues to be a human rights hurdle and stated that the trends of impunity and the use of the courts and the law for political ends show no signs of decreasing. She said she feels a sense of urgency to address impunity, in particular in relation to land cases and in light of the possibility of oil and gas coming online in Cambodia in coming years. She stated that the problem is not that there is a lack of knowledge "at the upper level" where people would be "cutting off their own arms" by empowering the people. She is striving to get information to people who may not know their rights as soon as possible. She stated that education and training on legal rights may help reduce impunity by providing victims of abuses with information to help them pursue justice through the legal system. She noted the USAID-funded Program on Rights and Justice (PRAJ) as a commendable effort to provide legal education to Cambodians.

#### Draft Law on Demonstrations -- Permissive or Restrictive?

16. (SBU) Both Ou Virak of CCHR and Ang Chanrith of the Khmer Kampuchea Krom Human Rights Organization stated that the freedom to demonstrate would continue to be a priority for their organizations. According to Ang Chanrith, "Demonstrations and strikes are not easy" because requests to demonstrate have been denied in the past. (Note: The 2007 Human Rights Report describes problems CCHR and Khmer Kampuchea Krom organizations have experienced in holding public gatherings. End note.) Pilorge asserted that the new draft law on demonstrations was problematic, but others seemed less concerned. In a previous conversation with a UNOHCHR Cambodia Office staffperson, Poloff was told that the UNOHCHR had done some work with the Ministry of Interior on the draft law and thought the proposed bill would be an improvement over the current law, passed in 1991. The current law specifies that organizers must provide written notification to local authorities and that authorities may deny permission if they judge the demonstration "might cause

chaos." The law also states that, "Group meetings, gatherings in public places or public thoroughfares, and street demonstrations that might affect public peace, order, or security... are absolutely prohibited." The draft law is currently under revision with the Ministry of Interior. Post will continue to monitor the draft law's progress.

#### CWCC "Happy" With New TIP Law

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¶17. (SBU) The new Executive Director of the Cambodian Women's Crisis Center, Say Vathany, told the roundtable that she is looking forward to law enforcement efforts under the new trafficking in persons law. She said CWCC is "happy" with the new law. She echoed Theary Seng's comments that impunity is generally a problem, and that, "even someone with a little power has impunity." She stated that she has seen cases in which a husband beats his wife but because the husband is friends with the police, he is not punished. (Note: and there is no mechanism for appeal or redress. End note.)

#### Some Khmer Kampuchea Krom Feel CPP Pressure

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¶18. (SBU) Khmer Kampuchea Krom Human Rights Organization Executive Director ANG Chanrith told the roundtable that he has heard of cases in which CPP members have paid Khmer Kampuchea Krom individuals to join the CPP in the runup to the election. He said "one woman from the Senate" asked him to join the CPP and said that if he did and if he joined the Cambodian Red Cross he would be paid USD 500 per month. (Note: The Cambodian Red Cross is headed by Prime Minister Hun Sen's wife Bun Rany. End note.) He said that he sought protection from the United Nations Cambodia Office of the High Commissioner for Human Rights (UNOHCHR) after he was approached by the Senator as an advance measure in case he later experiences intimidation as a follow-on to what so far has been an attempt to buy him off.

¶19. (SBU) Khmer Kampuchea Krom rights groups have, in the past, complained that some Khmer Kampuchea Krom individuals in Cambodia have difficulties obtaining national identity cards when they apply for them with the Ministry of Interior through their local commune council members. Ang Chanrith stated during the meeting that now, in the run-up to the election, there have been cases in which CPP commune council members have refused to issue identity cards to Khmer Kampuchea Krom persons who do not support the CPP. Ang Chanrith said that "many" Khmer Kampuchea Krom do not have ID

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cards and many do not know their rights, particularly women and those who are illiterate. (Note: National ID cards facilitate access to poll stations on election day. However, alternate IDs can also be used to vote. End note.) He said they are often so focused on trying to meet their daily living needs that they "ignore their rights" and do not get involved in political activities.

#### Update On SRP Member Arrested For Illegal Detention

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¶10. (SBU) LICADHO Director Naly Pilorge referred to the recent arrest of SRP member Tuot Saron on charges of illegal detention (Ref B) as a case in which arrests and the courts are being used by the ruling party to undercut the opposition. Without citing evidence, Pilorge predicted that there may be attempts to arrest SRP MP and Sam Rainsy's wife Tioulong Samura in connection with the case. (Note: Members of Parliament have immunity in Cambodia. End note.) CCHR Director Ou Virak stated a common human rights NGO perspective that there was "no such thing" as the kidnapping of Tim Norn because alleged victim Tim Norn had access to her cell phone and her family during the time of the incident. He also said that the two other SRP members who were expected to face arrest in connection with the case have already left

for Thailand where they are "safe."

Comment

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¶11. (SBU) The human rights leaders were characteristically pessimistic, as is prone to happen with a goal of attaining universal standards of human rights in a country with a history of human rights abuses. The roundtable was also a prime opportunity for the leaders to get together to vent their frustrations about a government they presumably would like to see go away. If asked to compare the Cambodia of today with that of five, 10, or 15 years ago, they might have presented a different mood reflective of some positive changes. However, they would likely also have pointed out that many of the abuses of the past have not been resolved, contributing to an air of impunity that remains still today.

¶12. (SBU) The Cambodian human rights situation has improved over previous election years, when there were numerous reports of politically motivated killings and other abuses. During the roundtable, human rights leaders also discussed displeasure with the pre-election atmosphere (Post will address those concerns in a separate pre-election update cable). Some government officials are receptive to human rights concerns, such as when Minister of Interior allowed an opposition march and rally to go forward on April 6 at the Ambassador's urging (Ref A). Nonetheless, problems remain. Land disputes, impunity, limitations on freedom of assembly, and lack of rule of law still head the list of issues that tarnish Cambodia's international image and limit the freedom of its people. The embassy will continue to work on these issues -- both via direct interaction with government officials and civil society and via USAID's planned five-year, USD 20 million rule of law program.  
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